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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,693	12/10/2001	Robert Sesek	10012626-1	3065

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/006,693

Applicant(s)

SESEK ET AL.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-31 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-31 and 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Note Regarding Examination

As required by MPEP 2144.03(C), it is noted that in the previous office action, certain subject matter was deemed old and well known in the art. Since any traversal of this assertion is required to be made in the response to the office action and since no traversal was made, those statements are considered to be admissions of prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 5, 18-22, 29, 31, 37-39 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 5, 29 and 31 recite that the parameter and profile are related to consumable materials, but claims 1 and 28, from which they depend recite that they are related to component wear.

Claims 18-22, 37-39 and 41 are indefinite because "depletion factor" is not clear from the specification or the claims, and could mean any number of the contributing to or related to depletion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 12-19, 23-31, 34-36, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thieret (5,923,834) in view of Paton.

Thieret shows configuring usage rate profile data, comprising stored wear rate data; monitoring a parameter of the system indicating component wear (e.g., col 7, lines 45-63); and generating an alert. Thieret does not explicitly show comparing the parameter with the usage rate data and generating the alarm when parameter deviates from the rate profile data. Paton shows comparing the parameter with the rate profile data, and generating an alert when the parameter deviates from the rate profile data. It would have been obvious to one of ordinary skill in the art to modify the method of Thieret by performing the steps of Paton in order to provide a warning when maintenance may have to be performed sooner than expected.

As to claims 2 and 29, Thieret in view of Paton show consumption rate data for consumable materials.

As to claim 4, Thieret in view of Paton show repetitively reading the parameter.

As to claims 5 and 31, Thieret in view of Paton show parameters related to consumable levels.

As to claims 12-14 and 34, Thieret in view of Paton show that the rate data is organized by time comprising day and time of day (e.g., Fig. 6 of Paton).

As to claim 15, Thieret in view of Paton show that the data is organized by calendar events comprising replenishment of items.

As to claims 16 and 35, Thieret in view of Paton show periodically performing the monitoring step; determining a trend of the parameter, and saving the data values in the rate profile data (e.g., pg. 3, lines 39-46 of Paton).

As to claims 17 and 36, the monitored parameter is compared to the trend of data values.

As to claims 25 and 26, Thieret in view of Paton show an alert indicator comprising a message sent via telecommunications to a remote computer (e.g., Fig. 4B of Paton).

As to claims, 27 and 40, Thieret in view of Paton show all elements of the invention except disabling the system and means for doing so. Thieret in view of Paton does however, show determining that there is a hardware failure within the system (e.g., pg. 4, lines 3-12 of Paton). It is notoriously old and well known in the art to disable a malfunctioning system (and to provide a means for doing so). It would have been obvious to one of ordinary skill in the art to further modify the method of Thieret by disabling a malfunctioning system in order to prevent further damage.

As to claim 18, Thieret in view of Paton inherently show receiving reserve level data of a resource (comprising minimum acceptable remaining life of a specific component) and calculation of a depletion factor with respect to the trend of parameter,

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comprising the rate at which wear of the resource will take place, since Thieret shows automatically ordering a replacement part for just in time delivery before the part fails, and since to do so it is necessary to determine what minimum level of life of the part is acceptable and at what rate the part will wear in order to determine when to order the part.

As to claims 19, 23, 39 and 41, it is noted that Thieret in view of Paton show all elements except the alert including the depletion factor. However, it would have been obvious to one of ordinary skill in the art to further modify the method of Nagire et al by providing this information in order to provide an indication of the speed with which the machine must be serviced.

As to claim 24, it is noted that Thieret shows auto-reordering.

Alternatively, claims 18, 19, 23, 24, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thieret in view of Paton as applied to claims 1, 16, 28 and 35 and further in view of LoBiondo et al (5,305,199).

As to claims 18 and 37, Thieret in view of Paton show all steps of the claim except receiving a reserve level and calculating a depletion factor with respect to the trend of the parameters and the reserve level. LoBiondo et al show receiving a reserve level; and calculating a depletion factor comprising the time when the system will need to be serviced (the intersection of the trend of the of the observed parameter and the reserve level line). It would have been obvious to one of ordinary skill in the art to

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further modify the method of Thieret as taught by Lo Biondo et al in order to avoid having a part wear out entirely.

As to claim 19, Lo Biondo et al show outputting the depletion factor.

As to claims 23, 39 and 41, it is noted that Thieret in view of Paton and LoBiondo et al show all elements except the alert including the depletion factor. However, it would have been obvious to one of ordinary skill in the art to further modify the method of Thieret by providing this information in order to provide an indication of the speed with which the machine must be serviced.

As to claim 24, it is noted that LoBiondo et al show auto re-ordering.

Claims 20-22, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thieret in view of Paton as applied to claims 1, 16, and 18 above, and further in view of Hikawa (6,678,065).

Thieret in view of Paton show all elements of the claim except allocating a system resource based on a usage priority factor. Hikawa shows this element. It would have been obvious to one of ordinary skill in the art to further modify the method of Thieret by providing for the use of resources based on a usage priority factor in order to assure that higher priority items are accomplished.

As to claims 21 and 22, Thieret in view of Paton and Hikawa show all elements except priority based on user or account identity. However, to provide priority based on user or account is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of Thieret to by providing

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priority based on user and account in order to ensure that the jobs of those with a higher priority are accomplished.

Claims 1, 2, 4, 5, 12-31, and 34-37, and 39 -41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paton (EP 0822524 A) in view of LoBiondo et al (5,305,199).

As to claims 1, 28, and 30, Paton shows configuring usage rate profile data comprising history data sampled from the system; monitoring a parameter of the system comprising the amount of money; comparing the parameter with the usage rate data; and generating an alert condition if the parameter deviates from the usage rate data (e.g., pg. 3, lines 47-59). Paton also shows means for accomplishing the steps. Paton does not show that the parameter is a component wear indicator or that the usage rate profile data includes wear rate data. LoBiondo shows monitoring wear on a component, comprising a toner cartridge and that the usage profile rate data includes wear data comprising toner cartridge wear. It would have been obvious to one of ordinary skill in the art to modify the method of Paton as taught by LoBiondo et al in order to provide for less unscheduled down time and to anticipate needed component replacement.

As to claims 2 and 29, Paton shows consumption rate data for consumable materials, comprising money.

As to claim 4, Paton shows repetitively reading the parameter.

As to claims 5 and 31, the parameter is a consumable level indicator (cash level).

As to claims 12-14 and 34, Paton shows that the rate data is organized by time comprising day and time of day (e.g., Fig. 6).

As to claim 15, Paton shows that the data is organized by calendar events comprising cash deliveries.

As to claims 16 and 35, Paton shows periodically performing the monitoring step; determining a trend of the parameter, and saving the data values in the rate profile data (e.g., pg. 3, lines 39-46).

As to claims 17 and 36, the monitored parameter is compared to the trend of data values.

As to claim 18 and 37, it is noted that LoBiondo et al shows receiving a reserve value comprising the paper level at which resupply is needed and calculating a depletion factor comprising time until the reserve level is reached.

As to claim 19, Lo Biondo et al show outputting the depletion factor.

As to claims 23, 39 and 41, it is noted that Paton as modified by LoBiondo et al show all elements except the alert including the depletion factor. However, it would have been obvious to one of ordinary skill in the art to further modify the method of Paton by providing this information in order to provide an indication of the speed with which the machine must be restocked.

As to claim 24, it is noted that LoBiondo et al show auto re-ordering.

As to claims 25 and 26, Paton shows an alert indicator comprising a message sent via telecommunications to a remote computer (e.g., Fig. 4B).

As to claims, 27 and 40, Paton in view of LoBiondo show all elements of the invention except disabling the system and means for doing so. Paton does however, show determining that there is a hardware failure within the system (e.g., pg. 4, lines 3-12 of Paton). It is notoriously old and well known in the art to disable a malfunctioning system (and to provide a means for doing so). It would have been obvious to one of ordinary skill in the art to further modify the method of Paton by disabling a malfunctioning system in order to prevent further damage and to prevent incorrect distribution of money.

Claims 7-11 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paton in view of LoBiondo et al as applied to claims 1 and 28, and further in view of Cohen (2003/0097331).

Paton in view of LoBiondo et al show all elements of the claim except organizing the rate data by users. Cohen shows organizing the data by users. It would have been obvious to one of ordinary skill in the art to modify the method of Paton by organizing data by user in order to provide custom limits on each user.

As to claim 8, Paton in view of LoBiondo et al show all elements of the claim except organizing the rate data by accounts. Cohen shows organizing the data by accounts. It would have been obvious to one of ordinary skill in the art to modify the method of Paton by organizing data by account in order to provide custom limits on each account.

As to claims 9 and 33, Paton in view of LoBiondo et al show usage rate profile data comprising budget expenditure data (the budget comprising inventory of consumables as discussed in the specification of the present application.)

Alternatively, to claims 9-11 and 33, Paton in view of LoBiondo et al show all elements of the claim except that the data includes budget expenditure data organizing the rate data by account or user. Cohen shows this element. It would have been obvious to one of ordinary skill in the art to modify the method of Paton by organizing data by user in order to provide custom limits on each user and account.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven B. McAllister

STEVE B. McALLISTER
PRIMARY EXAMINER